**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No :25045 of 2007**

**DATED:26-11-2007**

**BETWEEN:**
A.Kumar.

**..... PETITIONER**

**AND**

The District Collector,
Chittoor District & 2 others.

**.....RESPONDENTS**

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**ORDER:**

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the official respondents in not considering the representation made by the petitioner, dated 08-11-2007, as illegal, arbitrary, and consequently direct the respondents to resume the house situated in plot No.60 in S.No.147 of Mallemgunta village of C.Gollapalli, Tirupathi rural mandal, Chittoor District from the legal encroachers and reassign the same to the petitioner forthwith.

3. It is the case of the petitioner that plot No.60 in Sy.No.147 of Mallemgunta village, h/o C.Gollapalli village, Tirupathi Rural mandal was allotted in favour of the petitioner's father-A.Kannaiah. It is stated that the said Kannaiah is also known as Chakalivari Kannaiah.

4. I am not inclined to express any opinion whether the surname of the said Kannaiah and the petitioner is one and the same and whether the petitioner is the son of the said Kannaiah or not. However, it is stated that after the assignment of the house site of plot No.60 vide VHS309/1986, dated 10-09-1986, by the then Mandal Revenue Officer, Tirupathi Rural mandal, a house was constructed through the Housing Corporation and after the death of the father of the petitioner in 1996, petitioner inherited the

house site as the assignment of the house sites/houses are inheritable but not alienable. It is stated that to eke out his livelihood, petitioner shifted his residence to some other village by locking the said premises and at that time one T.Lakshmaiah occupied the said house. Accordingly, petitioner made a representation/complaint, dated 08-11-2007, before the 3rd respondent-Tahsildar, District Collector, Chittoor and other police officials, but however police are nothing to do with the said complaint. The District Collector also is nothing to do with the said complaint, but if the said assigned plot is not alienable even after constructing the house it is the duty of the revenue authorities to protect the assigned land/house site in favour of the original assignee or his legal heirs or to take over possession of the same in accordance with the provisions of the Board Standing Orders or the provisions of the A.P.Assigned Land (Prohibition of Transfers) Act, 1977 ( for brevity, 'the Act').

5. Having regard to the facts and circumstances, without expressing any opinion on the merits of the case, 3rd respondent is directed to consider and dispose of the said representation, dated 08-11-2007, after giving reasonable opportunity/notice to all the concerned including the said T.Lakshmaiah, if he is in possession of the said assigned house site.

6. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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**V.ESWARAIAH,J**

26th November, 2007.

**Note:**

Furnish C.C. of the order
within two days.

B/o

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